

MONTANA LEGISLATIVE HISTORY

Chapter 581 1925

Bill H 334 S _____ Original bill & history C

H. Committee on Business & Industry

Hearing Date(s) Jan 26 ✓ C

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Date Out Jan 26 ✓ C

S. Committee on Business & Industry

Hearing Date(s) Mar 08 ✓ C

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Mar 08 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1 HOUSE BILL NO. 344
2 INTRODUCED BY Ramirez - FALA Director
3 NATHAN

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THAT PORTION
5 OF THE APPRAISED VALUE OF A RESIDENTIAL DWELLING THAT IS
6 ATTRIBUTABLE TO THE INSTALLATION OF A SOLAR ENERGY SYSTEM
7 FROM PROPERTY TAXATION FOR A 5-YEAR PERIOD; PROVIDING AN
8 EFFECTIVE DATE."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Exemption for solar energy system. (1) The
12 portion of the appraised value of a residential dwelling
13 attributable to a solar energy system is exempt from
14 property taxation for 5 years after the date of installation
15 of the system in either a newly constructed or existing
16 residential dwelling.

17 (2) (a) "Residential dwelling" means any improvement
18 used for human habitation, including but not limited to
19 houses, mobile homes and trailer houses affixed to land,
20 multiple-unit dwellings, or condominiums.

21 (b) "Solar energy system" means any system designed to
22 capture radiant energy from the sun for use in heating or
23 cooling the residence or water used in the residence.

24 (3) Before June 1 of the year in which the exemption
25 is sought, the owner must make application to the department

1 of revenue on forms it shall provide.

2 Section 2. Effective date. This act is effective on
3 passage and approval and applies to taxable years beginning
4 after December 31, 1978.

-End-

STATE OF MONTANA

REQUEST NO. 144-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 28, 19 79, there is hereby submitted a Fiscal Note for House Bill 344 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION

This bill exempts that portion of the appraised value of a residential dwelling that is attributable to the installation of a solar energy system from property taxation for a 5-year period; providing an effective date.

ASSUMPTIONS

- 1) There are approximately 350 non-fossil energy generating systems currently in Montana.
- 2) The Renewable Energy Plan calls for 700 systems by the end of the biennium.
- 3) Because January 1st is assessment date, it is assumed that there will be 350 systems in FY80 and 550 systems in FY81.
- 4) The average appraised value of each system is \$3000.
- 5) Current systems are taxed at 8.55%.
- 6) The local government levy is 200 mills.
- 7) The state levy is 6 mills for the University System. (Information for assumptions 1,2,4 provided by Energy Division, Department of Natural Resources)

FISCAL IMPACT

	<u>FY80</u>	<u>FY81</u>
6 mill University Levy		
under current law	\$500	\$800
under proposed law	<u>0</u>	<u>0</u>
Estimated Decrease	<u>(\$500)</u>	<u>(\$800)</u>

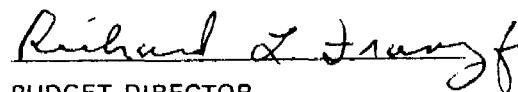
EFFECT ON LOCAL GOVERNMENTS

Local governments will lose \$18,000 in FY80 and \$28,000 in FY81.

LONG-RANGE EFFECTS

The systems will become part of the tax base in 5 years and the appropriate revenues will be received.

PREPARED BY DEPARTMENT OF REVENUE



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/1/79

Rep. Hirsch, sponsor, explained HB 334 to the committee. The bill would change the hearing requirements for the transfer of alcoholic beverage licenses.

Bill Groff, Dept. of Revenue, testified in support of the bill. Mr. Groff said that there is seldom any protest in the issuance of these licenses, and the hearings cost the Dept. a lot of time and money. The bill would amend the law so that if the administrator receives no protest the Dept. may issue or transfer a license without holding a hearing. He said approximately 80% are not protested.

Senator Turnage explained page 2, lines 20-24 to the committee. Senator Turnage said that this bill would save several thousand dollars.

There were no opponents to HB 334. Chairman asked for discussion.

Rep. Ellerd asked Mr. Groff if the Dept. could protest the issuance of a license. Mr. Groff said that the dept. runs a check list on all applicants to make sure they do not have a record. If they had a record the dept. could protest. Rep. Sheldon wanted to know what the main reason for protest was. Mr. Groff said that the main ones were from people who don't want a bar in their area or from other bars that don't want the competition.

Rep. Hirsch closed on HB 334.

Executive Action.....

Action taken on SB 73...hearing held on Jan. 25

Discussion was held by the committee.

Rep. Nathe made a motion that SB 73 BE CONCURRED IN. The motion was seconded. Question called for; vote was taken and carried unanimously

Action taken on HB 227... hearing held Jan. 25

Rep. Tropila made a motion to reconsider action taken on HB 227 on Jan. 25th. Rep. Tropila's reason for the motion was because he read the committee the section for out of state travel and felt the bill did not receive a fair hearing. Instead of \$36 per day for expense, \$3 for morning meal, \$4 noon meal and \$6 evening meal, the board receive \$18 motel expense, \$2 morning meal, \$3 noon meal, \$5 evening meal.

The main objection to the bill was that some of the members felt the bill would be setting a precedent for other boards that may not receive compensation. It was agreed by the committee that action would be further deferred until Rep. Spilker and Rep. Metcalf could look into the procedure of

other boards . They will report back to the committee Monday.

Rep. Tropila's motion to reconsider action on HB 227 was voted on and carried unanimously.

Action taken on HB 334...

Following discussion from the committee, Rep. Ellison made a motion that HB 334 DO PASS. Question called for, vote was taken and carried unanimously.

Rep. Cooney made a motion that HB 334 be place on the Consent Calendar. Motion was seconded. Question called, vote was taken and carried unanimously.

Rep. Tropila was asked to give the sub-committee report on HB 78. Rep. Tropila passed out a summary sheet on the subcommittee hearing on HB 78, which was held on Jan. 18. (see exhibit "A")

It was the recommendation of the sub-committee that HB 78 and all other related banking bills be placed into an interim study committee. The committee discussed the recommendation.

Rep. Harper mad a motion to Table HB 78 with the idea that it may be placed into an interim committee at a later date. Question called for, a vote was taken and carried unanimously to TABLE HB 78.

Action taken on HJR 4...

Committee discussion- Rep. Vincent said that this bill would involve alot of time and effort on the part of the committee, and that they should consider this before making any decisions on the bill. Chairman Quilici said that the bill should be passed out of committee so that the committee could have the option to put it into an interim committee at a later date. Following discussion, Rep. Vincent made a motion that HJR 4 DO PASS. Question called, vote was taken and carried unanimously.

Action taken on HB 325...

The staff attorney, Shaun Simon, brought the following amendment to the attention of the committee:

1. Page 2, line6.
Following: line 5
Strike: "such"
Insert: "it"

Rep. Kessler made a motion to amend HB 325, Rep. Metcalf

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

MARCH 8, 1979

The meeting of the Business and Industry Committee was called to order by Chairman Frank Hazelbaker on the above date in Room 404 of the State Capitol Building at 10:00 a.m.

ROLL CALL: All members were present.

HOUSE BILL 325: Representative Jack Moore, sponsor of HB 325, explained the bill to the Committee. This bill prohibits the manufacture, possession, or transfer of a device to be used to avoid telephone, telegraph, or cable television charges. The offense would carry a misdemeanor penalty.

Representative Moore stated that this bill would greatly help in law enforcement. Rep. Moore demonstrated to the Committee how some of these devices work.

PROPOSERS OF HOUSE BILL 325: Mr. James Hughes, representing Mountain Bell, explained to the Committee the types of devices used to fool the system. He further stated that basically these devices are used for criminal purposes.

Mr. Gene Phillips of Kalispell, representing Pacific Power and Light and Northwestern Telephone System, explained further how these devices work and the difficulty in stopping this sort of fraud.

Mr. Les Loble, II, representing General Telephone of the Northwest, Inc., stated they are in support of the bill.

There were no other proponents or opponents present at the hearing.

There was a question and answer period from the Committee after which Representative Moore made closing remarks in support of HB 325.

DISPOSITION OF HOUSE BILL 325: Senator Goodover moved that HB 325 Do Pass. Senator Dover seconded the motion. The Committee voted unanimously that HOUSE BILL 325 BE CONCURRED IN.

Senator Hager will carry House Bill 325 on the floor.

HOUSE BILL 334: Representative Les Hirsch, sponsor of HB 334, was unable to be present at the hearing. Mr. William Groff from the Department of Revenue represented Mr. Hirsch and explained the bill to the Committee.

House Bill 334 is by request of the Revenue Oversight Committee. This bill dispenses with the requirement for a hearing on the issuance or transfer of an all-beverage license unless protests are received.

There were no other proponents or opponents present at the hearing.

There was a question and answer period from the Committee.

DISPOSITION OF HOUSE BILL 334: Senator Blaylock moved that HB 334 Do Pass. Senator Goodover seconded the motion. The Committee voted unanimously that HOUSE BILL 334 BE CONCURRED IN.

Senator Blaylock will carry House Bill 334 on the floor.

HOUSE BILL 486: Representative Jack Moore, sponsor of HB 486, explained the bill to the Committee. HB 486 is an act to permit a licensed wholesaler, subjobber, or retailer to sell cigarettes to a resident or nonresident person, wholesaler, subjobber, or retailer who is exempt from state cigarette taxation provisions.

PROPOSERS OF HOUSE BILL 486: Mr. Tom Maddox, representing the Montana Association of Tobacco and Candy Distributors, stated they are in support of the bill. Mr. Maddox submitted printed testimony to the Committee. This testimony is attached.

OPPOSERS TO HOUSE BILL 486: Mr. James Madison from the Department of Revenue, stated they are in opposition to the bill.

There was a question and answer period from the Committee after which Representative Moore made closing remarks.

Rep. Moore stated that every distributor is licensed and controlled by the Department of Revenue. When a case of cigarettes comes into the state, they have 72 hours to be stamped. Rep. Moore concluded his remarks by recommending that HB 486 be passed.

HOUSE BILL 730: Representative Rex Manuel, sponsor of HB 730, explained the bill to the Committee. This bill is an act to allow a central credit union to borrow an amount not in excess of its total assets.

PROPOSERS OF HOUSE BILL 730: Mr. Jeffry Kirkland, representing Montana Credit Unions League, stated they are in support of HB 730.

Mr. Donald Schroer of Great Falls, treasurer of State Corporate Central Credit Union, stated they are in support of HB 730. He told the Committee there no risks involved.

Mr. Les Alke from the Department of Business Regulation, stated this bill should be passed in its present form. Their Department supervises all credit unions, and they believe they will have a good opportunity to monitor it during the next two years.

STANDING COMMITTEE REPORT

March 8, 1979

MR. President:

We, your committee on Business and Industry

having had under consideration House Bill No. 334

Hirsch (Blaylock)

Respectfully report as follows: That House Bill No. 334

BE CONCURRED IN

MEMBERS

HOUSE BILL NO. 334

INTRODUCED BY HIRSCH, HUENNEKENS

BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE HEARING REQUIREMENTS FOR THE ISSUE OR TRANSFER OF ALCOHOLIC BEVERAGE LICENSES; AMENDING SECTIONS 16-4-202 AND 16-4-207, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer such license, the department shall promptly publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that such applicant has made application for such license and that protests against the issuance of a license to the applicant ~~will be heard at a time and place stated in the notice which shall be in the city of Helena, Montana~~ may be mailed to a named administrator in the department of revenue within 10 days after the final notice is published. Notice of application for a new license shall be published once a week for 4 consecutive weeks. Notice of application for transfer of a license shall be published once a week for

2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL

ALL-BEVERAGES LICENSE

Notice is hereby given that on the day of, 19.., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue, to be used at (describe location of premises where beverages are to be sold), and protests, if any there be, against the issuance of such license ~~will be heard at the hour of --- --- may be mailed to --- department of revenue, Helena, Montana, on or before the day of, 19.. at the office of the Montana department of revenue in Helena, Montana.~~

Dated

Signed

ADMINISTRATOR

(2) Each applicant shall, at the time of filing his application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) If the administrator receives no protests, the department may issue or transfer the license without holding a public hearing. If, however, any protests against the issue or transfer of the license are received, the department shall hold a hearing at its office in Helena."

Section 2. Section 16-4-202, MCA, is amended to read:

1 "16-4-202. Resort licenses. (1) It is the intent and
2 purpose of this section to encourage the growth of quality
3 recreational resort facilities in undeveloped areas of the
4 state and to provide for the orderly growth of existing
5 recreational sites by the establishment of resort areas
6 within which retail liquor licenses may be issued by the
7 department under the terms and as more particularly
8 prescribed below. In addition to the licenses as otherwise
9 set forth in [this act], the department may issue resort
10 retail liquor licenses in a resort area.

11 (2) For the purposes of this section, a resort area is
12 defined as a recreational facility meeting the
13 qualifications determined by the department as hereinafter
14 provided.

15 (3) The department shall determine that the area for
16 which licenses are to be issued is a resort area, such
17 determination to be made under and pursuant to rules to be
18 first promulgated on or before December 31, 1975.

19 (4) In addition to the other requirements of this
20 code, a resort area, for the purposes of qualification for
21 the issuance of resort retail liquor license, must have a
22 current actual valuation of resort or recreational
23 facilities, including land and improvements thereon, of not
24 less than \$500,000, at least half of which valuation must be
25 for a structure or structures within the resort area, and

1 must be under the sole ownership or control of one person or
2 entity at the time of the filing of the resort area plat
3 referred to in subsection (5) of this section. The word
4 control shall mean lands held under lease, option, or
5 permit.

6 (5) The resort area must be determined by the resort
7 developer or landowner by a plat setting forth the resort
8 boundaries, designating the ownership of the lands within
9 the resort area, which plat must be verified by the resort
10 developer or landowner and filed with the department prior
11 to the filing of any applications by individuals for
12 licenses within the resort area. Such plat must show the
13 location and general design of the buildings and other
14 improvements to be built in said area in which resort retail
15 liquor licenses are to or may be located. A master plan for
16 the development of the area may be filed by the resort
17 developer in satisfaction of this section.

18 (6) Upon such filing the department shall forthwith
19 schedule a public hearing to be held in Helena, Montana, to
20 determine whether the facility proposed by the resort
21 developer or landowner is a resort area within the meaning
22 of the rules of the department. At least 30 days prior to
23 the date of the hearing, the department shall publish notice
24 thereof, with a description of the location of the proposed
25 resort area, in a newspaper published in the county or

counties in which the resort is located, once a week for 4 consecutive weeks. Each resort developer or landowner shall, at the time of filing his application, pay to the department an amount sufficient to cover the costs of said publication.

(7) Persons may present statements to the department at the hearing in person or in writing in opposition or support of the plat.

(8) Within 30 days of the hearing, the department shall accept or reject the plat. If rejected the department must state its reasons and set forth the conditions, if any, under which the plat will be accepted, and the decision of the department may be reviewed pursuant to the review procedure set forth in 16-4-406.

(9) Once filed with the department, the boundaries of a resort may not be changed without full hearing as above provided and the prior approval of the department, which approval shall be according to public convenience and necessity.

(10) (a) When the department has accepted a plat and a given resort area has been determined, applications may then be filed with the department by persons for the issuance of resort retail liquor licenses within the resort area.

(b) Each applicant must submit plans showing the location, appearance, and floor plan of the premises for

which application for a license is made.

(c) If an applicant otherwise qualifies for a resort license but the premises to be licensed are still in construction or are otherwise incomplete at the time of such application, the department shall issue a letter stating that the license will be issued at such time as the qualifications for a licensed premises have been met, setting forth such time limitations and requirements as the department may establish.

(11) In addition to the restrictions on sale or transfer of a license as provided in 16-4-204, no resort retail liquor license may be sold or transferred for operation at a location outside of the boundaries of the resort area.

(12) A resort retail liquor license shall not be subject to the quota limitations set forth in 16-4-201, and ~~IF THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET,~~ a resort retail liquor license shall be issued by the department on the basis that the department has determined that such license is justified by public convenience and necessity, following--a--hearing, ~~publication as~~ IN ACCORDANCE WITH THE PROCEDURE provided required in 16-4-207.

-End-